

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 606 of 2023

Smt. Rama De @ Dey

---Petitioner(s)

Versus

The State of Tripura and 2 Others

---Respondent(s)

For Petitioner(s)	: Mr. B. N. Majumder, Sr. Advocate. Mr. B. Paul, Advocate.
For Respondent(s)	: Mr. B. Majumder, Deputy SGI.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Order

25.09.2023.

Heard learned counsel for the parties.

This is an application under Article 226 of the Constitution of India seeking following reliefs:

- (a) *Issue Rule Nisi;*
- (b) *Issue rule calling upon the respondents/each one of them to show cause as to why a writ in the nature of mandamus or of like nature shall not be issued directing mandating commanding the respondents to release the family pension, payable to the petitioner on the death of her husband Late Rakhal Ch De, @ Dey, retired from the Govt. service on 2011, forthwith, along with the arrear of the family pension since February, 2021 along with admissible interest.*
- (c) *Issue rule calling upon the respondents/each one of them to show cause as to why any other appropriate Writ(s), Order(s), Direction(s) shall not be passed for complete and full relief to the petitioner.*
- (d) *Pass necessary order(s) as may be deem fit and proper.*

It is the case of the petitioner that the petitioner is the widow of the Late Rakhal Ch. De @ Dey, who was a retired Govt. employee worked under the state respondents, died on 23.01.2021. After marriage, the petitioner lived together for couple of years and thereafter they started living separately. Since then, the husband of

the petitioner was not taking care of the petitioner and was not maintaining her and as such the petitioner filed an application under Section 125 of Cr.PC before the Ld. Family Judge, West Tripura which was registered as Misc case no. 312 of 2007. After full trial, an order of monthly maintenance @ Rs. 2500/- per month was passed on 18.06.2008, which was enhanced time to time and the said order was never challenged by her husband. Lastly, on 21.06.2017, an order was passed by the Ld. Family Judge, West Tripura, directing the respondent No.3 to pay an arrear of Rs.2,70,000 (Rupees Two lakhs seventy thousand) only after the husband of the petitioner retired from his service in the year 2011. After the death of late Rakhal Ch. De @ Dey on 23.01.2021, the petitioner is the only survivor who is entitled to the family pension benefits as the petitioner was a legally married wife and there was no dissolution of marriage between them. The petitioner had approached the respondents with her legitimate claim of family pension in her favour but the same has not been considered till date. Aggrieved by the said action of the respondents, the present writ petition has been filed before this court for seeking reliefs.

It is seen from the record that the financial benefits have not been extended to the petitioner since her name is not reflected in the service record of her deceased husband. The petitioner, by way of her counsel, has also sent a demand notice dated 13.07.2023 to the respondents. The Sr. Accounts Officer from the office of Pr. Accountant General (A&E), Tripura, Agartala - 799006 has replied to the demand notice by the communication dated 08.08.2023 indicating the petitioner to approach the

concerned DDO for furnishing the family pension proposal and get the issue resolved.

It is further contended by the Mr. Majumder, learned senior counsel assisted by Mr. B. Paul, learned counsel for the petitioner that despite giving demand notice dated 17.07.2023, the SDM, Sadar, Agartala, West Tripura, is paying no heed to the said demand notice.

In view of the above and without expressing any opinion on the merits of the case, the respondents are directed to consider the case of the petitioner, in the light of the demand notice dated 17.07.2023 and more particularly in the light of the communication dated 08.08.2023 from the office of Pr. Accountant General (A&E), Tripura, Agartala. It is needless to mention here that the respondents are to consider the case of the petitioner within a period of three months from the date of receipt of copy of this order in accordance with law.

In view of the above, the instant writ petition stands allowed and thus disposed of. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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